

EPA Region 5 Records Ctr.



246959

IN RE:

QUINCY DRUMS
QUINCY, ILLINOISDEPOSITION OF GARY WINKLE
TAKEN ON BEHALF OF THE EPA

March 9, 1990

*Perry Reporting, Inc.**Stenotype Reporters*

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I.R.S. ID No. 43-1283803

1 IN RE:

2
3 QUINCY DRUMS,)
4 QUINCY, ILLINOIS)

5 DEPOSITION OF WITNESS, produced, sworn and examined
6 on the 5th day of March, 1990, between the hours of eight
7 o'clock in the forenoon and six o'clock in the afternoon of
8 that day, at the offices of Federal Courthouse, in the City
9 of St. Louis, before Jeanne M. Morgan a Certified Shorthand
10 Reporter and Notary Public, within and for the County of St.
11 Louis, State of Missouri, taken on behalf of the U.S. EPA.

12 APPEARANCES:

13 For EPA

Stuart P. Hersh
230 S. Dearborn Street
Chicago, IL 60604

14 For Witness

Armstrong, Teasdale, etc.
One Metropolitan Square
St. Louis, MO 63102
By: Douglas Sprong

1 GARY WINKLE

2 of lawful age, being first duly sworn to tell the truth the
3 whole truth, and nothing but the truth, deposes and says on
4 behalf of the EPA as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. HERSH:

7 MR. HERSH: We're on the record. Again, as we
8 are in the deposition of Mr. Tugate, are we going to waive
9 certification and sealing. And with regard to signature --

10 MR. SPRONG: Yes. Nick wanted to read through
11 him and sign and that's your preference.

12 THE WITNESS: Okay.

13 MR. SPRONG: You can either read through it
14 and make sure she got it or waive it. You might as well read
15 through it since we have to do Nick's any way.

16 THE WITNESS: Okay.

17 MR. SPRONG: Although, you're going to go back
18 to Jacksonville, is that right?

19 THE WITNESS: Yes.

20 MR. SPRONG: We'll just waive signature.

21 MR. HERSH: So the conclusion is you're waiving
22 signature.

23 MR. SPRONG: Yes.

24 Q (By Mr. Hersh) This is the deposition of Gary
25 Winkle taken pursuant to notice and authority of Cercla,

1 Comprehensive Environmental Response Compensation and
2 Liability Act as amended by Sara, the Superfund Amendment and
3 Authorization Act. My name is Stuart Hersh. I'm the
4 attorney with U.S. EPA, with me is a representative from
5 Illinois Department of Conservation, Glen Sanders. We are
6 here for the purpose of asking questions regarding disposal
7 practices at the Quincy drums site, as well as questions
8 regarding the generation and transportation of wastes to the
9 site.

10 The questions asked are to be answered with your
11 personal knowledge as well as any documents you have
12 knowledge of pertaining to the question. If you do not hear
13 a question say so and I will repeat it. If you do not
14 understand a question, say so and I'll try and rephrase it.
15 If you realize that you've given an earlier answer that was
16 incorrect, inaccurate, incomplete and you want to correct it
17 to supplement your earlier answer say so and you will be
18 given an opportunity to do it. If you want to stop to use
19 the restroom, to stretch your legs, to get a drink, to
20 collect your thoughts, you will be permitted to do so, no
21 problem. If you find that you are tired or confused and want
22 to take a short break or recess, just say so. If you do not
23 know or do not remember the information necessary to answer a
24 question say so. If you answer a question, I will assume
25 that you heard it, that you understand it, that you have

1 given me your best recollection. Do you understand the
2 instructions I've given you?

3 A Yes.

4 Q Your answers are to be complete to the best of
5 your knowledge. If there is a document or other material
6 which you refresh your recollection, please identify the
7 document or material. Mr. Winkie, have you ever given a
8 deposition regarding wastes on the Mississippi River?

9 A No.

10 Q Have you ever given a deposition regarding the
11 Quincy Bayview Bridge project?

12 A No.

13 Q Have you ever given a deposition?

14 A No.

15 Q It's not that difficult. We go back and forth with
16 some questions and you are to testify truthfully as if you
17 were in a court of law, giving to the best of your ability
18 the knowledge you have. In order to assist the reporter, I'm
19 going to ask that you not nod your head. She's making a
20 written transcript and so the only way she can make a record
21 is when you give verbal responses?

22 A I understand.

23 Q If you have any questions at all, please interrupt
24 and ask me, whatever the situation may be.

25 A I understand.

1 Q Do you understand all of the instructions I've
2 given you?

3 A Yes.

4 Q Would you please state your name for the record?

5 A Gary Winkle.

6 Q And what is your birthday?

7 A July 24th, 1957.

8 Q And where do you presently reside?

9 A My present address is 8700 Southside Boulevard,
10 apartment 2116, Jacksonville, Florida, 32256.

11 Q And how long have you lived there?

12 A Since October of 1989.

13 Q You recently moved there?

14 A Yes.

15 Q Where were you living before that?

16 A Richmond, Virginia.

17 Q And how long did you live there?

18 A From July of 1987 to February of '89. I made a
19 mistake. Before I moved to Florida I was in St. Louis from
20 February of '89 to October, then I moved to Florida from
21 there.

22 Q Do you have any plans in the near future to move
23 to another location?

24 A Our job site down in Florida is -- our job is just
25 about over with and so, yes, I plan on moving from there,

1 wherever the company sends me next.

2 Q So, you don't have a permanent residence?

3 A No, I don't.

4 Q What is the best way of getting in touch with you
5 then?

6 A Through McCarthy.

7 Q What is your educational background?

8 A I have a bachelor of science degree from Bradley
9 University in construction management. After college I went
10 to work for Peter Keywit and Sons on a tunnel project in
11 Chicago, Illinois. From there I went to work for Whitehead
12 Roofing and Insulation in Belleville, Illinois. I worked
13 there approximately two and a half years and then went to
14 work for S.J. Groves.

15 Q Can you give the years?

16 A Okay. On Peter Keywit and Sons I worked with them
17 from 1980 to -- approximately July of 1980 to July of 1981.
18 Then I went to work for Whitehead Roofing and Insulation,
19 worked with them from July of '81 through June of 1984. From
20 there I worked for American Construction out of Kansas City
21 from June of 1984 to September of 1984. And then I went to
22 work for S.J. Groves and Sons on the Alton Lock and Dam 26 in
23 September of '84 through April of '85, at which time they
24 moved me to their job site at Wierton, West Virginia. I
25 worked there until January of '86 and then went to work for

1 McCarthy in February of '86 at Quincy Bridge site. I worked
2 there to July of 1987, then went to Richmond and worked in
3 richmond at their job site from July of '87 through February
4 of '89. Then came back and worked at home office from
5 February of '89 to approximately October 1, 1989, where I
6 went to work on the our Jacksonville job site, which I'm
7 presently at.

8 Q For the record, are you represented by counsel
9 today?

10 A Yes.

11 Q Who would that be?

12 A Doug Sprong.

13 Q Did you do anything to prepare for this deposition
14 look at documents, have discussions with anybody?

15 A Yes.

16 Q What documents did you look at?

17 A There were some police reports about the barrels
18 that were found, I guess, from the Quincy site. And they
19 were sent to me to be reviewed plus the documentation that I
20 guess your people sent to McCarthy as far as questions there.
21 I can't remember the name of the document, about seven pages
22 of questions.

23 Q The police report that you're referring to, this

24 --

25 A There was a number of police reports. I guess

1 that they talked to different witnesses.

2 Q What time period were those police reports for?

3 A I don't remember.

4 Q Would it have been 1986, or would it have been
5 recently?

6 A I would think it would have been recently.

7 Q Are you familiar with what has become known as
8 Quincy Bay Bridge project?

9 A Yes, I am.

10 Q Do you understand what is meant by Quincy drums
11 site?

12 A Yes, I do.

13 Q What is your understanding of that?

14 A My understanding of the Quincy drum site is there
15 were marine divers that fish the Mississippi in the area
16 south of the Quincy Bayview Bridge, and a few of them after
17 diving in the river came up with chemical burns on their
18 body. And from that an investigation was performed and there
19 were some drums found in the bottom of the river.

20 Q Do you have any idea where the drums came from?

21 A No, I don't.

22 Q In 1986, let's go back -- I'm sorry. You
23 indicated that you were working on Quincy Bayview Bridge
24 project from a period of time in '86 to '87?

25 A The end of February, 1986, to just after the 4th

1 of July, 1987.

2 Q When you were working there, was there a flood
3 that occurred along the Mississippi River?

4 A Yes.

5 Q When was that?

6 A There were several actually.

7 Q When were they?

8 A There was one in May, 1986, there was one, I
9 think, around the first part or October of 1986.

10 Q Were any materials reported missing by anybody
11 that you know of in the May of 1986 flood?

12 A No.

13 Q Were there any materials reported missing by
14 anybody that you know of from the October, 1986 flood?

15 A Could you state that again?

16 Q Did anybody report materials missing from the site
17 from the Quincy Bayview Bridge project being conducted by
18 McCarthy Brothers immediately following the flood in October
19 of 1986, was anything missing after the flood?

20 A Yes.

21 Q What was it?

22 A There were three drums of -- they were epoxy
23 sealants for the concrete bridge.

24 Q Who made the report?

25 A I did.

1 Q And what did you observe? What was the basis for
2 your report?

3 A A few weeks after the flood had occurred the
4 temperature had significantly dropped and I knew the material
5 could not be left out in the weather to freeze or else it
6 would go bad. So I went out to take the barrels to put some
7 kind of marking on the barrels so our crew could move them
8 from where they were up to the warehouse for the winter
9 because I knew we weren't going to use them before the next
10 spring. And at the time I went out to taking the drums I
11 noticed that three of them were missing.

12 Q Were there any other drums missing?

13 A No, not that I know of.

14 Q And what were in those drums?

15 A There were epoxy paint sealant, Penn Seal 50 and
16 Metacote 50.

17 Q Both of those items were not in all three drums or
18 were they?

19 A Yes.

20 Q In other words, each drum did not contain both
21 Metacote and Penn Seal 50?

22 A No.

23 Q one drum would contain either Penn Seal 50 or
24 Metacote?

25 A Correct.

1 Q And do you know how many of the Penn Seal 50 drums
2 versus how many of the Metacote made the three total?

3 A I don't remember which one. I do remember that
4 one covered twice as much. We had to buy one double the
5 quantity of one as the other, but I don't remember which one
6 we had to buy twice the amount of.

7 Q The information request response submitted by
8 McCarthy Brothers Company indicated that --

9 MR. JORDON: I've got a copy of that. Would
10 you mind if I put it in front of him if we're going to refer
11 to it.

12 Q (By Mr. Welch) It is on item number 12 page four,
13 the first paragraph indicates that Metacote approximately 200
14 gallons of Metacote primer and 360 gallons of Penn Seal top
15 coat were purchased?

16 A The primer I know we needed double the amount of
17 because it soaked into the concrete.

18 Q This indicates that the purchase of the top coat
19 was about twice as much as the primer coat, is that your
20 understanding?

21 A Yes, it is according to this.

22 Q Is that your understanding with your knowledge of
23 the facts? Is that your understanding of what actually
24 occurred?

25 A I don't remember honestly. I would have to go

1 back and look through the literature.

2 Q Do you believe that it's the opposite?

3 A I don't know.

4 Q Do you remember the date that you reported these
5 drums missing?

6 A No, I don't.

7 Q Who did you tell?

8 A I thought I remember telling Rick Tugate, our
9 manager, and our office manager that was in the office at the
10 time Chuck Dieder.

11 Q And did the three of you have a meeting to discuss
12 the drums and where they might be?

13 A No.

14 Q Were the drums being moved around at that time?

15 A No.

16 Q You indicated that this was shortly after the
17 flood in October of 1986, that you reported the drums
18 missing?

19 A A couple of weeks, yes.

20 Q Were the drums moved in preparation for the flood?

21 A No.

22 Q Were other materials moved in preparation for the
23 flood?

24 A No.

25 Q Did the flood waters cover the staging areas where

1 the materials were kept?

2 A I don't know.

3 Q Is there anything that would help refresh your
4 recollection?

5 A I don't know to be honest with you.

6 Q Did anybody else indicate that these three drums
7 and/or other drums were missing from the site?

8 A Not that I'm aware of.

9 Q Were these three drums full drums or were they --

10 A Yes.

11 Q Unopened?

12 A Yes.

13 Q How shortly after the flood waters did you report
14 them missing?

15 A Two weeks.

16 Q Is that within two weeks or was it --

17 A I would say it's approximately two weeks after.

18 Q What was Mr. Tugate's response?

19 A I don't remember.

20 Q Do you remember what Mr. Dieders' response was?

21 A No.

22 Q Was there any attempt to try and locate the drums?

23 A I looked around for them, I know that.

24 Q How did you look around?

25 A I walked the area where I knew they were.

1 Q Would that include the entire area that was fenced
2 in? Was the construction staging area fenced in?

3 A A portion of it was.

4 Q I ask you to make a drawing of the area to the
5 best of your recollection and please label every road or
6 street or other marker that you can?

7 A I don't remember the names of the roads.

8 Q If you indicate a north-south direction and
9 trailers, the river, those would all be helpful. You've
10 indicated a drawing which I'm going to ask you to take
11 another look at and identify these areas which appear to be
12 roads, are they in fact roads?

13 A Yes, they are.

14 Q Do you remember the names of the streets?

15 A No, I don't.

16 Q Could you write along there that that is a road?

17 A Is street fine?

18 Q Street is fine. Was there a fence around the
19 area?

20 A Yes, there was.

21 Q Would you mark the fence in red on the document?
22 Were there gates?

23 A Yes, there was a gate.

24 Q Would you write on there gate. Where were the
25 bridges relative to this area?

1 A The old Quincy Bayview Bridge was downstream from
2 the body landing over here.

3 Q Could you indicate on the drawing and the
4 approximate distance since it look as if it would go beyond
5 the page?

6 A You want the new one, too.

7 Q In well, yes. You've indicated the new Quincy
8 Bayview Bridge and old Quincy Bayview Bridge. Are you
9 referring -- with regard to the old Quincy Bridge, are you
10 referring to the Quincy Memorial Highway Bridge?

11 A I think that's what they call it.

12 Q And new Quincy bridge being?

13 A Quincy Bayview bridge.

14 Q Was there a path or a drive within the fenced area
15 for trucks and other materials to be --

16 A Yes,, through the main gates a truck could pull up
17 in this area here.

18 Q Would you draw along there the path for vehicles?

19 A It's very general. How do you want to draw it?

20 Q Your best recollection of what it was, was it just
21 a short little area in here?

22 A Once you got through the gates it was the whole
23 open area, a truck could pull in anywhere in there.

24 Q Why don't we pass on that?

25 A I did leave out two storage trailers, 40 foot

1 semi-tractor trailers over in this area.

2 Q Which leads me to the next question, could you
3 label those as storage trailers and indicate on there where
4 other materials would be stored? Were there specific storage
5 areas for material or staging areas.

6 Q You've indicated a storage area which is north of
7 the sheet pile wall and fenced area?

8 A Yes.

9 Q Adjacent to the fenced area?

10 A Yes.

11 Q Were there any other storage areas?

12 A No. Excuse me. Yes, there was. We had a
13 warehouse.

14 Q Where would that be located?

15 A A mile north of the bridge site itself.

16 Q Was it brick construction?

17 A Yes.

18 Q Do you know what the address is of that warehouse,
19 what street it was?

20 A It was Bayview storage on Bayview Drive, but I
21 don't remember the address.

22 Q What was placed in this storage area that you've
23 indicated on the drawing?

24 A In this?

25 Q Yes.

1 A We had reinforcing steel, form work, forming
2 accessories, general construction equipment.

3 Q Any drums, were they stored in that area?

4 MR. SPRONG: Let's specify that area. He's
5 drawn a couple storage areas.

6 Q (By Mr. Marsh) We're talking about the storage
7 area that is north of the sheet pile wall on this drawing.
8 Before we get that far why don't we have this marked. Take
9 another look at it, is that accurate representation of your
10 understanding of the area?

11 A Yes.

12 Q Looking at Exhibit A, you have indicated that --
13 I'm going to refer to these two areas on the Exhibit as the
14 storage trailer when we're talking specifically the trailer
15 and otherwise just as the storage area. Is that adequately
16 sufficient for everybody to understand what we're talking?

17 A Yes.

18 Q Okay. What was stored in the storage area?

19 A Reinforcing steel, forming supplies, forming
20 accessories, concrete forms.

21 Q Any drums, chemicals, concrete?

22 A No.

23 Q What was stored in the storage trailers?

24 A The storage trailer had small items, nails, small
25 equipment that could be stolen. The storage trailers had

1 locks on them so anything that could get up and walk away
2 basically was stored in the storage trailers.

3 Q Were there any chemicals or paints used in this
4 project?

5 A Yes.

6 Q Where were they stored?

7 MR. SPRONG: It would be easier if you ask him
8 specifically -- well, go ahead.

9 Q (By Mr. Hersh) Is there more than one area?

10 A It's sort of a general statement really. The
11 paint that we had was stored in the warehouse on Bayview
12 Drive.

13 Q I'm talking at the time period shortly before the
14 flood in October of 1986?

15 A They weren't stored. The paint, you're talking
16 about in particular.

17 Q Any drums, any chemicals?

18 A No.

19 Q You indicated earlier on that three drums were
20 missing?

21 A Right.

22 Q And you had looked around the river area?

23 A Right.

24 Q You expected that they had washed into the river?

25 A No.

1 Q No?

2 A No, I did not know what happened to them. They
3 weren't stored. The drums that I was talking about earlier
4 were not stored there.

5 Q Where were they stored?

6 A They were to be stored in the warehouse, but they
7 were offloaded at the storage site I indicated on here and
8 they were not moved. The river came up, and I'm trying to
9 remember what happened now.

10 Q I think you said they were offloaded into the
11 storage area that we marked on Exhibit A?

12 A Right.

13 Q And this is prior to the flood?

14 A Right.

15 Q The flood came, two weeks after the flood you
16 recognized that they were missing?

17 A Yes.

18 Q And you indicated that to Mr. Tungate?

19 A Yes.

20 Q And to Mr. Dieders?

21 A Yes.

22 Q Were any other barrels offloaded into that storage
23 area?

24 A No.

25 Q Were any materials moved from that storage area in

1 anticipation of that flood?

2 A No.

3 Q Was anything moved to higher ground?

4 A No.

5 MR. SPRONG: When you say anything, you're
6 talking about from that storage area?

7 MR. HERSH: Yes.

8 MR. SPRONG: And the barrels that he was
9 discussing earlier.

10 THE WITNESS: For that time, we were not
11 working on that weekend of the flood and when we left the job
12 site on Friday night the river was at a lower elevation. In
13 fact, I don't even remember. The river was low and when we
14 got back to the site Monday morning the river had risen over
15 the weekend.

16 Q (By Mr. Hersh) And nobody was at the site Friday,
17 Saturday, or Sunday?

18 A No, not after working hours Friday, no.

19 Q And how high was it on Monday when people came
20 back?

21 A Almost at the top of this wall in front.

22 Q And this wall being the sheet pile wall?

23 A Yes.

24 Q Would it have then flooded the entire storage area
25 at that point, was that lower elevation than sheet pile wall?

1 A A portion of it was at lower elevation, yes.

2 Q Was it still under water on Monday?

3 A Was what under water?

4 Q The storage area.

5 A A portion of it was.

6 Q What portion, half the distance to the railroad

7 tracks?

8 A I'm trying to remember.

9 Q Why didn't we move on then?

10 A The stone wall was under water from this -- I

11 don't know how far back the water was.

12 Q Was there the appearance of flooding throughout

13 that entire storage area, debris and either things that

14 collected in there or material that had been stored there

15 that had been moved around due to the flood water?

16 A No.

17 Q Do you know where the drums were offloaded into

18 that storage area?

19 A Yes, I do.

20 Q Where were they offloaded to?

21 A Do you want me to show on this?

22 Q Mark it on the map and indicate it please. Is

23 this location higher or lower as you're -- let me rephrase

24 that. You indicated an area at the far north on your drawing?

25 A Right.

1 Q Does the elevation from the river, is that higher
2 or lower than, for example, the area within the sheet wall?

3 Let's make it easier, how tall is this stone wall?

4 A The stone wall is about four foot tall.

5 Q How much of an elevation from the river bank to
6 the epoxy paint area that you marked on the map?

7 A Change of elevation?

8 Q Right.

9 A I'm not sure about that.

10 Q You have your feet for stone wall, is this steep
11 elevation not at flood stage?

12 A From --

13 Q From the river at normal level?

14 A From the river back to the stone wall it's
15 virtually flat. This is a -- I'm trying to remember if this
16 is railroad ties set up as a dock. So this is not the
17 river's edge. It is above the river.

18 Q And how high above the river is that?

19 A Two feet.

20 Q We've got six feet there, how much higher is the
21 elevation relatively flat from the stone wall back to where
22 you marked?

23 A It slopes.

24 Q Is it a significant slope?

25 A It's a gradual slope.

1 Q A couple feet?

2 A I'm not sure.

3 Q Okay. How close to the railroad tracks were these
4 epoxy paints?

5 A I don't know.

6 Q Was it about half the distance between the stone
7 wall and the railroad tracks?

8 A I don't remember.

9 Q Fair game. It's been four years. I don't expect
10 you to be great in your memory. When you came back on Monday
11 and you saw water inside the storage area, was there also
12 visible water inside the area indicated as between the fence
13 and the sheet wall?

14 A The river had come up just above the sheet pile
15 wall. And by come up, maybe a couple inches, three inches
16 maybe.

17 Q So it was at top of sheet pile wall on Monday when
18 you came to work?

19 A It was just below it.

20 Q And it was still above the stone wall on Monday?

21 A Yes.

22 Q Did you hear other people at the project
23 discussing other missing materials?

24 A No.

25 Q Did anybody indicate to you that there were two

1 barrels or three barrels or six barrels that were reported
2 missing?

3 A No.

4 Q Are you familiar with 111 trichloroethane?

5 A Could you --

6 Q There were two barrels that were indicated by
7 McCarthy Brothers as being at the site but not being used.
8 One of these barrels was a chemical call 111 trichloroethane
9 and the other was chemical called methylene chloride. Both
10 of them are solvents. They apparently were purchased, if I
11 may have the liberty of paraphrasing --

12 MR. SPRONG: Sure.

13 MR. HERSH: Apparently purchased as cleaning
14 agents for the Metacote and Penn Seal to clean the tools, do
15 you have any knowledge of those chemicals?

16 MR. SPRONG: You might add that they were
17 never used according to the paraphrase.

18 Q (By Mr. Hersh) Yes.

19 A As far as knowledge?

20 Q Do you have any knowledge about those chemicals,
21 did you ever see the drums?

22 A No, I never saw the drums.

23 Q Were there any drums ever stored behind the office
24 trailers?

25 A Not that I'm aware of.

1 Q Were there any drums ever stored in the southwest
2 corner of the fenced in area?

3 A I'm not sure.

4 Q Were there ever any drums stored in the northwest
5 corner of the fenced in area?

6 A I'm not sure about that.

7 Q Or the sheet pile area?

8 A I'm not sure.

9 MR. SPRONG: You're referring to any drums
10 right now?

11 MR. HERSH: Yes.

12 MR. SPRONG: Does that answer change your
13 answer at all?

14 THE WITNESS: As for the drums, we had empty
15 drums with forming accessories, a 55 gallon empty drum was
16 easily used to throw a lot of small pins or forming equipment
17 and things like that in.

18 Q (By Mr. Hersh) What were those drums from?

19 A I don't know.

20 Q Were you involved at all in the painting process
21 on the bridge?

22 A In what manner?

23 Q Epoxy painting, overseeing it, ordering the
24 materials?

25 A I ordered the materials.

1 Q And when you say you ordered the materials, is
2 that both the paint itself and the equipment to do the
3 painting with?

4 A Yes.

5 Q Did you order any cleaning material?

6 A No, I didn't.

7 Q Was any of the equipment ever cleaned?

8 A I don't know. I wasn't out on the site where they
9 were doing the actual painting.

10 Q Were the epoxy paints ever mixed with anything,
11 solvents to thin them out?

12 A They should not have been. I don't know.

13 Q Do you know of any other solvents that were
14 purchased for the site?

15 A No.

16 Q Do you know of any chemicals that were purchased
17 for the site that would be considered to be corrosive?

18 A I'm not sure.

19 Q Any chemicals that would be considered to be
20 flammable?

21 A I'm not sure.

22 Q Did you ever look at the manufacturer's
23 information data sheet on each of the paints that you
24 ordered?

25 A Four years ago.

1 Q Okay. And if they indicated that it was flammable
2 you would have noticed it then, but you don't have a
3 recollection now?

4 A I don't remember now.

5 Q But you would have looked at it back then?

6 A Yes.

7 Q When you indicated to Mr. Tungate and Mr. Dieders
8 that you believed three barrels were missing, did you reorder
9 three more barrels?

10 A Yes.

11 Q Did you indicate to anyone else that you felt that
12 some barrels were missing?

13 A Yes.

14 Q Who else?

15 A The head resident for the state DOT on our job.

16 Q Who was that?

17 A Lou Haisas.

18 Q Did you indicate to anyone else that you thought
19 some materials were missing?

20 A I don't think so, no.

21 Q Mr. Haisas have a response when you informed him
22 of the missing barrels?

23 A I don't remember what it was.

24 Q Did Mr. Dieders have a response when you informed
25 him that the barrels were missing?

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1 A I don't remember what it was.

2 MR. SPRONG: Let me jump in here. I think
3 earlier you testified that you weren't sure that you told Mr.
4 Tungate or Chuck Dieckers and now it sounds like you're pretty
5 sure you did. Just to clarify.

6 MR. HERSH: I thought you did testify that you
7 did.

8 MR. SPRONG: I'm sorry. I thought he said I
9 think I told him. That's fine.

10 MR. HERSH: What he was saying he didn't know
11 what they said.

12 MR. SPRONG: Yes. Well, that was about 20
13 minutes ago.

14 Q (By Mr. Herish) Was there a guard at the site?

15 A Guard meaning?

16 Q 24 hours, a guard, somebody to watch over it to
17 make sure things didn't get stolen or missing?

18 A No.

19 Q Was this storage area fenced in this any way?

20 A No.

21 Q Was there concern that anything would be stolen
22 from that storage area?

23 A I don't recall.

24 Q Who do you report to?

25 A My immediate superior?

1 Q Yes.

2 A Nick Tungate.

3 Q And who reported to you?

4 A No one.

5 Q What precisely was your position on the project?

6 A My position was field engineer.

7 Q And as a field engineer, what did you do?

8 A I ordered materials for the project. I monitored

9 string gauges that were installed on the bridge itself to

10 monitor the bridge tower construction and after construction

11 was completed. That's about it.

12 Q Who else would have knowledge of paints or other

13 chemicals, solvents that would have been ordered for the

14 project?

15 A Chuck Bieders is the only one I can think of.

16 Q Prior to painting, was there any preparation of

17 the metal?

18 A No didn't paint the metal, we painted concrete.

19 Q I'm sorry. Prior to painting the concrete, was

20 there any preparation of the concrete?

21 A No.

22 Q Was there a place where trash was kept?

23 A We had we called them dumpsters. 20-yard

24 dumpsters or 40-yard dumpsters that were stored over in the

25 storage area.

1 Q And when the paint barrels were empty, where did
2 they go?

3 A They would have went in the trash in one of the
4 dumpsters. We also had dumpsters on the bridge itself.

5 Q Prior to going into the trash, did those barrels
6 or those drums, excuse me, were they cleaned out in any way?

7 A I don't know.

8 Q When were these two staging areas constructed?

9 A I don't know. That was before I got on the job.
10 They were there when I came to the site.

11 Q Do you have any information, did anybody tell you,
12 did you read anything in the newspaper as to how high the
13 water got during the flood?

14 A As far as physical elevation?

15 Q Yes.

16 A I don't know.

17 Q Did you see any indicators in Exhibit A which
18 would indicate how far back the flood waters went to?

19 A I don't remember. Well, it did go up to the top
20 of the wall.

21 Q Did anybody have a piling down and mark off how
22 high it went up?

23 A There was a gauge on this side of the sheet pile
24 wall, but I don't remember looking at it.

25 Q Would that have been kept as a record somewhere by

1 the company, or by someone else? Whose gauge was that?

2 A I don't remember. It was there when I was on the
3 job.

4 Q And when you say it was located there, you're
5 referring to the area on the north sheet pile wall that
6 you've drawn on Exhibit A between the stone wall and the --

7 A Close to the corner.

8 Q Very close to the corner?

9 A If not on the corner.

10 Q The northwest corner on the north wall?

11 A Yes.

12 MR. SPRONG: That's the gauge?

13 Q (By Mr. Herish) That's the gauge?

14 A There was a gauge up there. Now that you mention
15 it, I don't remember how it got there, who put it there.

16 Q To the extent that you've got any information as
17 to the flood height on that gauge, I would appreciate it.

18 MR. SPRONG: Okay.

19 Q (By Mr. Herish) Was there any other construction
20 occurring in the area along the Mississippi River while you
21 were there doing the Quincy Bayview Bridge project?

22 A At our site?

23 Q In that area.

24 A I don't think so.

25 Q These storage areas, and you also testified that

1 there was a warehouse, was somebody in charge of maintaining
2 an inventory of all the materials that were available?

3 A In the entire project?

4 Q Yes. Let's take it one step at a time. Did
5 somebody do an inventory at the storage area of the storage
6 area?

7 A Keeping a physical inventory of everything that
8 was in there?

9 Q Yes.

10 A On a regular basis?

11 Q Yes.

12 A No.

13 Q Storage trailers?

14 A No.

15 Q Warehouse?

16 A I did the warehouse because the epoxy that was
17 sitting up there had to be ordered on periodic basis when we
18 got low.

19 Q When you ship things from the warehouse to the
20 storage area, do you indicate it with some sort of document,
21 an invoice, or move ticket, or something to that effect, or
22 do you go out and pick it up and bring it over?

23 A We go out and bring it. We don't bring it to the
24 storage area. The epoxy was taken directly up onto the
25 bridge and used. We only took out what we needed.

1 Q Was there an informal inventory method, you'd go
2 out every so often and take a look around?

3 A Yes.

4 Q And recognize that something was needed?

5 A Right.

6 Q Did you do that on a regular basis every week,
7 every two weeks?

8 A Depending upon what was needed, the upcoming work,
9 if we knew we needed something at the time we would go out
10 and inventory to make sure we had enough to get done what we
11 needed.

12 Q You would look at project schedule and say over
13 the next two weeks we have to have x,y,z, let's see if you
14 have the materials to do it?

15 A Right.

16 Q Did you have a check list what materials you would
17 need to do those types of project, for example, the painting?

18 A Not a physical check list, no.

19 Q The drums of Metacote and Penn Seal, what size
20 were they, do you recall?

21 A 55 gallon.

22 Q And do you recall if they had any bungs?

23 A Any what?

24 Q Any bungs, any openings?

25 A On the top.

1 Q The top side?

2 A The top.

3 Q Did they have anything on the side?

4 A No.

5 Q Were they placed in a rack? Were they standing in
6 the storage area during use?

7 A In the storage area they would have been stood up.
8 During use they were placed in a rack where they were on
9 their side so that a spigot could be inserted in the opening
10 so you can pour it out.

11 Q When you put it on its side, was there a bung
12 opening for venting in the drum?

13 A There was a small one.

14 Q And the drum, when it was placed on its side, was
15 the tap out of the side itself, or out of the bottom, or the
16 top, how? You were saying there was a tap?

17 A Yes.

18 Q Where was that tap placed?

19 A On the one end, I guess you call it the top end.

20 Q So you simply inserted or were you pumping it out?

21 A No, the barrel was placed on its side. The
22 openings were in the top of the barrel, and we would put a
23 spigot in one opening then when you would turn the barrel on
24 its side and open the spigot to let the material run out.

25 MR. SPRONG: I was going to ask if a picture

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1 would help.

2 MR. NERSEH: If you can send me a picture.

3 MR. SPRONG: He can draw one.

4 Q (By Mr. Nershe) Okay. And there was nothing on the
5 side itself?

6 A No.

7 Q Were there any markings on the barrels?

8 A There was a label from the company we bought it
9 from.

10 Q What would that be?

11 A The company Adhesive Engineering.

12 Q And were there any other labels?

13 A Not that I can remember.

14 Q Any other markings?

15 A No.

16 Q When did you last look into the storage area, look
17 around for materials? In other words, you said you would go
18 in every so often and see what you had in terms of inventory
19 for the next series of the project. When was the last time
20 you looked in there prior to the flood?

21 A I don't remember.

22 Q Would it have been within a few weeks prior to the
23 flood?

24 A I don't remember, possibly.

25 Q When did you take an inventory after the flood,

1 when was the first inventory after the flood?

2 A It was two weeks after the flood.

3 Q Did Mr. Tungate, when you informed him that you
4 believed that three barrels were missing, indicate to you
5 that he had been informed by someone else --

6 A No, he didn't.

7 Q I was going to finish the question by saying that
8 he had been informed by someone else that two barrels were
9 reported missing immediately after the flood?

10 A No.

11 Q Did he indicate to you that he had sent a boat out
12 looking for barrels, for drums?

13 A I don't remember.

14 Q Do you recall ever knowing of or hearing of a boat
15 going out and looking for drums?

16 A I don't remember.

17 Q Was the National Response Center ever contacted,
18 to your knowledge, that drums were missing?

19 A I don't know what the National Response Center is.

20 Q Was the State of Illinois Environmental Protection
21 Agency notified?

22 A Not that I'm aware of.

23 Q Was the U.S. EPA notified that drums were missing?

24 A Not that I'm aware of.

25 Q Could there be more than three drums missing?

PERRY REPORTING SERVICE

1 A I don't know.

2 Q Could there have been six?

3 A I don't know. I seriously doubt it.

4 Q When did you order the replacement drums?

5 A It would have been after I found that the three

6 barrels were missing. I'm not exactly sure when.

7 Q Did Mr. Jungate or Mr. Dieders, or someone else

8 ask you to order additional materials that may have -- that

9 they indicated were missing after the flood?

10 A No.

11 Q Did you order any other materials that were

12 missing or were otherwise unaccounted for?

13 A No.

14 Q Who was responsible for recordkeeping at the site?

15 A Everyone really.

16 Q Did everyone keep an individual log of what was

17 happening?

18 A On a daily basis I'm not sure.

19 Q Did you keep a log?

20 A Yes.

21 Q I just ask is that the same log that we were

22 talking about earlier today?

23 MR. SPRONG: I don't -- Nick mentioned a

24 survey person kept a log, I don't know if that's you or not?

25 THE WITNESS: Ron Smith did and he turned that

1 over to me and then I kept it.

2 MR. SPRONG: Okay. Is that the same log that
3 you're talking about?

4 THE WITNESS: Yes.

5 MR. HERCH: Okay. And we've requested that log
6 already.

7 MR. SPRONG: Right.

8 Q (By Mr. Herch) Were there any other logs kept that
9 you know of?

10 A Not that I'm aware of.

11 Q Did Mr. Tungate keep a log?

12 A I don't know.

13 Q Did Mr. Diederer keep a log?

14 A I don't know.

15 Q I believe you mentioned his name is Smith?

16 A Ron Smith.

17 Q Did he keep a log after you --

18 A I don't know.

19 Q After you continued to do that official log?

20 A I don't know.

21 Q Is there anyone else who would know?

22 A The people you just mentioned.

23 Q Okay. What other chemicals were ordered for the
24 site? Do you know what chemicals were ordered, paints,
25 solvents, whatever else?

1 A I don't remember right offhand.

2 Q Were there any left over chemicals after the
3 project was completed?

4 A I don't know, I wasn't on site then.

5 Q During the time that you were on site, were any
6 materials sold or shipped to the warehouse or otherwise sold
7 because they were no longer needed for the project?

8 A Materials meaning?

9 Q Chemicals, paints, solvents?

10 A Not that I'm aware of.

11 Q When you were working on this project, where were
12 you generally located?

13 A In the office trailer.

14 Q And you had been there the entire time from just
15 prior to the -- I shouldn't say the entire time. Normal
16 business hours Monday through Friday from weeks before the
17 flood for weeks after the flood?

18 A Yes. On a general basis, yes.

19 Q And you had not heard anything from anyone
20 indicating that barrels were missing during that time period?

21 A No.

22 Q How heavy were these barrels of epoxy Metacote and
23 Penn Seal?

24 A Between 500 and 600 pounds each.

25 Q So it would take several people to lift it or a

1 machine to lift it?

2 A Yes.

3 Q Would they sink in water or would they float?

4 A I don't know.

5 Q Do you know what their specific gravity was?

6 A No, I don't.

7 Q Who would have kept records of other materials at
8 the site, other chemicals, solvents and paints, is there one
9 person who would have done all of that?

10 A There was a general file that if materials product
11 data sheets, safety data sheets, if those came with the
12 material they were put in the file.

13 Q Did McCarthy have an EPA ID number for hazardous
14 materials?

15 A I don't know.

16 Q When the Metacore and Penn Seal were applied, what
17 were they applied with?

18 A Rollers, paint rollers.

19 Q At all times that you were there?

20 A At the times I observed it, yes.

21 Q And were any of those cleaned with anything?

22 A I don't know.

23 Q Were there any spills of the paints anywhere?

24 A Not that I'm aware of.

25 Q Was there any need to clean up any areas that were

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1 overpainted?

2 A No.

3 Q What is your understanding of the meaning of
4 sealed drum?

5 A A drum with the lid closed.

6 Q Would that be full or empty?

7 A It could be either.

8 Q When a drum was empty, was it common to put the
9 lid back on it and seal it?

10 A If it had one.

11 Q How many rollers were ordered?

12 A I don't remember.

13 Q What was the other mechanism to apply Penn Seal
14 and Metacote?

15 A The other mechanism?

16 Q Is there another method to apply to the concrete?

17 A I don't know.

18 Q How many paint rollers would you go through in a
19 day, any idea?

20 A I have no idea.

21 Q How many would you order?

22 A At a time, 50.

23 Q How many people would be applying them, applying
24 the paints?

25 A Four, somewhere around there.

1 Q How often would you be ordering paint rollers?

2 A Normally, when they told me they were out of them.

3 Q Every week, every two weeks, every month?

4 A It depends on when we did the painting. The
5 painting was not done on a regular basis.

6 Q They were doing painting during that time frame,
7 though, during the October of 1986?

8 A No.

9 Q You were just planning to do some painting?

10 A Yes. The material, we got it at that time because
11 it was a cheaper price.

12 Q Were fuel oils stored on site?

13 A Yes.

14 Q Where were they stored?

15 A There were two storage tanks. I think there was
16 one at both ends of the sea wall.

17 Q You've indicated on Exhibit A, inside the sea
18 wall, inside the sheet pile wall, on the inside. I mean
19 within the area between the sheet pile walls and the fence on
20 the northwest and southwest corners?

21 A Yes.

22 Q Were these also for oil, gas, diesel fuels?

23 A Diesel fuel.

24 Q Any other types of fuels?

25 A Gasoline is the only other one I can think of.

1 Q Would that be in the same area as you just
2 indicated?

3 A Yes.

4 Q Were there any other tanks on site?

5 A Not that I'm aware of.

6 Q Were these fuels in drums or in tanks?

7 A They were in tanks.

8 Q How big were the tanks?

9 A I don't remember.

10 Q Prior to the flood in 1986, you indicated that it
11 occurred over a weekend?

12 A Yes.

13 Q Was work continuing on the bridge during that
14 week?

15 A Yes.

16 Q Were the barges continuing to take materials from
17 the staging areas, the storage areas, to the bridge or was
18 the water so high or current so fast that it was
19 inappropriate to do it?

20 A No.

21 Q To what? I guess I asked a couple different
22 questions?

23 A There was no material over there in the storage
24 area that barges would have been over there on a regular
25 basis to get the stuff.

1 MR. SPRONG: We're talking about the week
2 prior.

3 Q (By Mr. Hersh) Immediately prior the north sheet
4 pile wall, how high is the ground just the area within the
5 enclosed area, is that level with the top of the sheet pile
6 wall?

7 A Pretty much so, yes.

8 Q And how high is the storage area compared to that
9 sheet pile wall?

10 A This storage area?

11 Q Yes.

12 A It's -- I think it's below it, not that far. May
13 be a foot or two.

14 Q Okay. Is the Penn Seal 50 or Metacote, are those
15 supposed to be stirred or otherwise prepared before
16 application?

17 A No, I don't think so.

18 Q And you don't know anything about trichloroethane
19 or methylene chloride?

20 A Meaning how it works or?

21 Q No. That you have any knowledge of them being at
22 the site?

23 A I had a product safety data sheet on it. That's
24 the only thing I knew about.

25 Q What did that indicate to you, that it was ordered

1 for the site?

2 A It's possible.

3 Q Where would those likely have been stored if they
4 were ordered for the site?

5 A I'm not sure.

6 Q When you were using the Metacote and Penn Seal,
7 did you use it straight out of the barrel or was it put into
8 another container?

9 A They were put into a smaller container.

10 Q Is the material a thin consistency or thick and
11 heavy?

12 A It's the consistency of about paint.

13 Q What container were they put into, do you recall?

14 A I believe five gallon buckets.

15 Q You indicated you saw the manufacturer's safety
16 data sheets for the -- I talked about methylene chloride and
17 trichloroethane?

18 A I saw it for the trichloroethane.

19 Q Did you see it for any other chemicals?

20 A Penn Seal and Metacote.

21 Q Any others?

22 A Not that I'm aware of.

23 Q Did you ask anybody about the trichloroethane
24 since you had seen the material data sheet?

25 A No.

1 Q Who chose the staging areas? Who chose where they
2 would be placed?

3 A I don't know.

4 Q You indicated they were there before you got to
5 work on the site?

6 A Yes.

7 Q And to your knowledge, materials were never moved
8 from the staging areas, or the storage areas excuse me,
9 during the floods -- during the October, 1985 flood or prior
10 to October, 1985 flood?

11 A Could you say that again?

12 Q I'm sorry. Prior to the October, 1986 flood, were
13 any materials moved from the storage area?

14 A Not that I'm aware of.

15 Q Were you at the site at the time?

16 A Yes.

17 Q Were you in the trailer at that time or were you
18 walking around the site?

19 A This is before the flood?

20 Q Right.

21 A Yes, I was at the trailer.

22 Q And did you also during the day walk around the
23 site?

24 A I had duties up on the bridge, yes.

25 MR. SPRONG: This would be on Friday?

1 MR. HERSH: Right.

2 MR. SPRONG: On that Friday.

3 THE WITNESS: As far as that particular day, I
4 don't remember.

5 Q (By Mr. Hersh) Thursday or Friday, it would have
6 been actually for several days prior?

7 A I would have been out on the site.

8 Q And you didn't see people moving materials further
9 from the river's edge?

10 A No.

11 Q When you offloaded drums, you indicated you moved
12 some drums from the warehouse to the storage area, how many
13 total drums were offloaded?

14 A Say that again.

15 Q You indicated that epoxy paint drums were
16 offloaded here shortly before the October, 1986 flood?

17 A Okay.

18 Q How many drums were offloaded?

19 A Six.

20 Q And how many were accounted for?

21 A Accounted for?

22 Q How many did you find the two weeks later?

23 A Three.

24 Q And those six drums that were offloaded, were they
25 all the same materials?

1 A It was the Penn Seal and Metacote, yes.

2 Q Were there any other materials that were
3 offloaded?

4 A No.

5 Q Where were the other three drums? Where were they
6 found?

7 A The other three?

8 Q You said you found three?

9 A After the flood?

10 Q After the flood.

11 A The three barrels were left in the area that they
12 had been offloaded at.

13 Q Did you report three drums missing to the police?

14 A No.

15 Q Did anybody else that you know of report it to the
16 police?

17 A I don't know.

18 Q When you say the three drums were found in the
19 area, was it in the space that you left it or had they been
20 moved?

21 A They were in the space it had been left.

22 Q So they were still standing on their end?

23 A One was laying on its side and two were standing
24 on end.

25 Q And the one laying on its side, was it in the same

1 space or had it moved somewhat?

2 A It had moved, yes.

3 Q In which direction?

4 A Closer towards the river.

5 Q How much closer, half the distance towards the
6 river?

7 A Maybe 10 or 20 feet closer to the river.

8 Q Was that drum full?

9 A Yes.

10 Q And were the other two drums full?

11 A Yes.

12 Q Should we take a break?

13 (At this time a short break was taken)

14 Q (By Mr. Herch) Back on the record. We've just
15 taken a short break. You indicated that there were three
16 drums that were missing from the storage area that, and
17 you're nodding your head yes?

18 A Yes. Sorry.

19 Q You indicated that one drum was located -- three
20 drums were remaining in the storage area, one of which was
21 about half the distance between where they were dropped off
22 in the river?

23 A No. It was about 20 feet from where they were
24 dropped off.

25 Q I'm sorry. That's correct. You stated that and I

1 apologize for misstating it. About 20 feet from where they
2 had been placed towards the river and it was on its side?

3 A Yes.

4 Q And all three of those drums were full and the
5 other three drums that were missing were full?

6 A Yes.

7 Q Was there anything else that was lost from the
8 storage area?

9 A Not that I'm aware of.

10 Q Any wood, metal construction equipment?

11 A Not that I'm aware of.

12 Q When the Metacote and Penn Seal were tapped, were
13 any special precautions taken to handle the material?

14 A Could you be more specific?

15 Q The people applying the Metacote and Penn Seal,
16 were they wearing any safety gloves, clothes?

17 A Not that I'm aware of.

18 Q Covering up parts of their body. Was there any
19 effort to avoid skin contacts?

20 A I don't know.

21 Q Were you involved in that tapping of the large
22 drums or application of the solvents?

23 A Could you explain involved?

24 Q You indicated earlier that the drums were put onto
25 a rack?

- 1 A Yes.
- 2 Q That they were tapped?
- 3 A Yes.
- 4 Q That material was taken from the large drum, the
5 55 gallon drum and placed into a pail and from the pail it
6 was applied to the concrete?
- 7 A Yes.
- 8 Q Were you actually involved in placing the drum on
9 a rack?
- 10 A No.
- 11 Q And tapping it?
- 12 A No. I would have observed.
- 13 Q Did you keep notes of those activity?
- 14 A No.
- 15 Q Did you see any other manufacturer's data sheets
16 for other chemicals other than Penn Seal, Metacote, and
17 trichloroethane?
- 18 A Not that I'm aware of. Wait a minute. Let me
19 correct myself. On the concrete epoxy for gluing the
20 concrete panels together, I did see the data sheets on those.
- 21 Q What did that indicate, do you recall?
- 22 A I don't remember.
- 23 Q Was there anything else?
- 24 A Not that I'm aware of.
- 25 Q No methylene chloride?

1 A Not that I'm aware of.

2 Q Were you the one that kept all the data sheets?

3 A Not personally, no.

4 Q Where were they kept?

5 A There was a file in the office trailer that the
6 data sheets were kept in.

7 Q Who kept those data sheets?

8 A There was no one person in particular that was in
9 charge of that. There was a file listed as safety data
10 sheets.

11 Q Did you hear of any follow-up by anybody after you
12 had reported the three drums missing?

13 A I looked for them.

14 Q What precisely did you do when you looked for
15 them, where did you look?

16 A In the area where they were dropped off at. I
17 walked around the area to see if they had been moved or
18 thrown away or whatever.

19 Q Did you look up and down the bank?

20 A Yes.

21 Q Did you look in the warehouse?

22 A No.

23 Q There would have been no cause for them to
24 actually be on the bridge itself?

25 A No, not at that time.

1 Q And to your knowledge did they ever turn up
2 anywhere?

3 A Not that I'm aware of, no.

4 Q You talked a little bit earlier about markings on
5 the barrels. Do you recall any additional marks on the
6 barrels?

7 A The label from the manufacturers is the only thing
8 I remember.

9 Q And again what was that label?

10 A The manufacturer's name was Adhesive Engineering
11 and had the product name on it.

12 Q Were any barrels stored on a rack? Do you recall
13 seeing any barrels stored on a rack?

14 A Where?

15 Q Anywhere within the site?

16 A No. Well, the fuel tanks were. Barrels, no.

17 Q Were any barrels smaller than 55 gallon barrels?
18 Did you have any 30 gallon barrels?

19 A Not that I'm aware of, no.

20 Q When the epoxy -- were you involved in the
21 application of the Concretecrete?

22 A Yes.

23 Q And how was that applied?

24 A The men that applied it had rubber gloves and they
25 would dip their gloves in the bucket and wipe it on the

1 concrete itself.

2 Q Did they also apply it with a trolly or other
3 instruments?

4 A It's possible.

5 Q Did they clean anything, did they clean the
6 Concressive off of anything with material?

7 A Not that I'm aware of.

8 Q Once the Concressive was on the concrete and the
9 joints and the concrete was joined, was there any grinding of
10 excess materials or removal of excess epoxy that had pushed
11 out?

12 A That had set up?

13 Q Yes.

14 A Yes.

15 Q How was that removed?

16 A With a grinder.

17 Q Were there any solvents or other materials used?

18 A No, it was all ground.

19 Q You indicated earlier that you were -- your
20 position was the field engineer, and that was from July --

21 A February of '86 to July of '87.

22 Q I was close. Prior to February of '86, who was in
23 the position of the field engineer, do you know?

24 A They didn't have one for a while.

25 Q Who did the functions of a field engineer before

1 you were there?

2 A I don't know. I don't know that anyone did.

3 Q I'll turning the questioning over to the state of
4 Illinois Department of Conservation.

5 CROSS EXAMINATION

6 QUESTIONS BY MR. SANDERS:

7 Q Were you present when the cables were being
8 grouted?

9 A Yes, I was.

10 Q Do you recall if a wrapping type material was used
11 as overcoat on those cables?

12 A No. It was considered, but it was never used.

13 Q Was any type of material used on the cables to
14 seal the cables that came in rolls or had a blue wrapping
15 material on it?

16 A Could you be a little more specific?

17 Q The cables, one of the final sealing steps on the
18 cables was a material used that came in rolls approximately
19 four inches wide in varying lengths in styrofoam sheets?

20 A No.

21 Q Was any blue plastic material used in grouting
22 cables?

23 A Yes.

24 Q Could you describe that blue plastic material?

25 A The blue plastic material was a cap. When we went

1 through the testing, grouting the cables, we found that water
2 had leaked through the strand itself. And so we went through
3 a process of capping all the individual strands with a blue
4 plastic cap.

5 Q The blue plastic cap itself, could you describe
6 it?

7 A It's a flexible blue, medium blue, about the color
8 of this pen top plastic. Maybe the strand was 6/10ths of an
9 inch in diameter. It was maybe three quarters of of an inch
10 in diameter and three quarters of an inch long.

11 Q To your knowledge, was any of that material lost
12 in the river?

13 A Not to my knowledge, no. It was pre-formed cap.

14 REDIRECT EXAMINATION

15 QUESTIONS BY MR. HERSH:

16 Q Would anybody else have knowledge as to whether
17 any was lost?

18 A It's possible.

19 Q Who would be a more likely person to know?

20 A The foreman of the crew that was doing the capping
21 operation.

22 Q Do you remember who that was?

23 A I don't remember right offhand.

24 Q Was that a subcontractor?

25 A No, it would have been an employee of McCarthy.

1 Q Was there any other spill, leaking of any
2 materials into the river that you know of during the time
3 period that you were working on this site?

4 A Not that I know of.

5 Q Did you keep a record of the number of drums of
6 materials that were ordered for the site?

7 A I didn't, no.

8 Q Did you have invoices?

9 A Invoices would been a record of how many were
10 ordered, yes.

11 Q Did you keep a record of empty drums that were
12 being thrown away or whatever use they went to?

13 A No, I didn't.

14 Q Would there have been blue slips or trash
15 indicators of some sort?

16 A There would be trash indicators.

17 Q A receipt or move slip of some sort which would
18 indicate the drums were being hauled away?

19 A Not that I'm aware of.

20 Q Would the drums have been recycled?

21 A I don't know.

22 Q And sold off to someone else?

23 A I don't know.

24 Q Did you see drums, did you see empty drums
25 anywhere other than in the large trash containers?

1 A No.

2 Q Did you see drums in the trash containers?

3 A Yes.

4 Q Do you have any other information or knowledge
5 regarding wastes or other materials that would have gone into
6 the river from the site?

7 A No, I don't.

8 Q In that case I think we're done. Let's ask one
9 more. Do you have knowledge as to where the Quincy, City of
10 Quincy municipal drinking water intake pipe is?

11 A No, I don't.

12 Q Okay.

13 CROSS EXAMINATION

14 QUESTIONS BY MR. SPRONG:

15 Q A few questions, yes. When you say -- I hate to
16 keep harping on it, but I misunderstood it myself, that you
17 reported to Nick or reported to Chuck Dieders about the drums
18 being missing, do you think that would that have been you
19 walking up and telling Nick, or do you think he just heard
20 about it, or do you remember directly telling him?

21 A I feel I would have directly told him. Chuck was
22 the same office as Nick, so he would have heard anything I
23 would have said to Nick. That's why I said his name.

24 MR. HERSH: Was anybody else there?

25 THE WITNESS: Not that I'm aware of.

PERRY REPORTING SERVICE

1 Q (By Mr. Sprong) You mentioned that the flood, at
2 least the flood as you remember it was on Saturday and Sunday
3 and you didn't work that weekend?

4 A Right.

5 Q And the crew didn't work the weekend?

6 A Right. No one worked that weekend because there
7 was forecast of rain. I do remember that.

8 Q Do you happen to have personal knowledge that
9 absolutely no one went to the site on Saturday or Sunday, or
10 could someone have gone just to go?

11 MR. HERSH: That particular Saturday or Sunday.

12 THE WITNESS: As far as anyone, you mean any
13 worker or non-worker?

14 Q (By Mr. Sprong) Yes.

15 A Anyone could have gone, yes. I was back in St.
16 Louis at the time.

17 Q But you don't have personal knowledge that no one
18 was on the site?

19 A No, I don't know that.

20 Q Do you happen to know anything about reports that
21 were coming from Illinois Department of Transportation
22 whether or not they indicated that there was a high water
23 period coming?

24 A No.

25 Q Do you know anything about that?

1 A No.

2 Q Do you remember, you just don't know?

3 A To all of us it was a surprise.

4 Q The flood?

5 A Yes, none of us that I remember had any indication
6 that the river was going to come up like it did.

7 Q And the Department of Transportation, as far as
8 you remember --

9 A They never gave us any indication, no.

10 Q What was the date you got there again?

11 A In the end of February.

12 Q February of '66?

13 A Yes.

14 Q On Exhibit A, we've got office trailer, two office
15 trailers apparently?

16 A Yes.

17 Q Do you know if the water -- if the flood ever got
18 up to the office trailer?

19 A No, not while I was there it never got that high.

20 Q Do you ever remember seeing any indication that it
21 would have gotten up to the office trailer?

22 A No.

23 Q Do you remember hearing anybody say there's water
24 up to the office trailer or water around the office trailer?

25 A Not to my knowledge, no.

1 Q And you showed up on Monday, where would you say
2 -- I believe you said that the water was below what's called
3 the sheet pile wall?

4 A If not at the top of sheet pile wall it was just
5 below it.

6 Q But it wasn't up on what's been called the staging
7 deck area?

8 A No, it came up over that. If I remember, the next
9 day it came over that, but only may be a foot onto the stage
10 a foot or two onto the staging area.

11 Q Okay. When was the painting done?

12 A The following spring, it would have started March
13 or April, probably April of '87.

14 Q Do you know if there's any painting done before
15 that time?

16 A No.

17 Q Before you got there?

18 A No.

19 Q Are you saying no that you don't know or no there
20 was no painting?

21 A Before I got there, I don't know.

22 Q Could you see the current in the river from the
23 staging deck area? Do you have personal knowledge of the
24 current in the river?

25 A You could see the current from the river.

1 Q From the deck you mean?

2 A Yes, thank you. From the sheet pile wall, from
3 the staging area you could see the current, but the current
4 was not at the staging area, it was farther out, I'd say a
5 thousand, 1500 feet or more out into the river. The area
6 where we were at, where the job site was at, was near a bay
7 opening where there was a dock for pleasure craft and --

8 Q Hence the name of the bridge?

9 A Yes. Thank you.

10 Q As to trichloroethane, do you know for a fact that
11 it wasn't in the storage area?

12 A Yes, pretty much so.

13 Q What about the methylene chloride?

14 MR. HERSH: I believe he indicated he didn't
15 have any knowledge at all of that.

16 THE WITNESS: They were not in this area. When
17 you asked me if there were any other barrels in the storage
18 area, no there weren't.

19 MR. HERSH: Anywhere else?

20 THE WITNESS: Not that I can remember.

21 MR. HERSH: Okay.

22 Q (By Mr. Sprong) Okay. When the painting was done,
23 the actual application of the paint, you said to the best of
24 your knowledge nobody wore a glove?

25 A No, not that I can remember.

1 Q That's it for me.

2 FURTHER REDIRECT EXAMINATION

3 QUESTIONS BY MR. HERSH:

4 Q What was the grade within the sheet pile wall and
5 fenced area, the grade from the sheet pile wall to the office
6 trailers?

7 A The wall was at a lower elevation than the office
8 area. It was not a steep drop, it was a --

9 Q A foot or two?

10 A I would say that's pretty good indication, yes.

11 Q I think that does it.

12 (SIGNATURE OF WITNESS WAIVED BY CONSENT OF COUNSEL AND
13 AGREEMENT OF WITNESS)

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1 COUNTY OF ST. LOUIS)
2) SS.
3 STATE OF MISSOURI)

4 I, Jeanne M. Morgan, a Certified Shorthand Reporter
5 and Notary Public, within and for the County of St. Louis,
6 State of Missouri, do certify that pursuant to agreement
7 there came before me at the offices of Federal Courthouse, in
8 the City of St. Louis, State of Missouri, GARY WINKLE, a
9 witness of lawful age, being first duly sworn to testify the
10 whole truth of his knowledge, touching the matters in
11 controversy herein that he was examined and his examination
12 was reduced to shorthand by me on that day, between the hours
13 at the place and in that behalf first aforesaid and later
14 transcribed into typewriting, that signature of witness was
15 waived by consent of counsel and agreement of witness and his
16 deposition is now herewith returned.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal this the _____ day of _____, 1990.

19 My commission expires August 2, 1992.

20
21
22 _____
23 Notary Public
24
25